IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.27716-M of 2007
Date of Decision:- 10.07.2007

Dharambir ....Petitioner(s)

through
Mr.Amit Rana, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.999 dated 13.11.2006 under Sections 307/325/323/148/149 IPC registered at Police Station Sadar, Hisar.

As per the allegations contained in the F.I.R, the petitioner was armed with an iron rod and he along with his father and other family members attacked the complainant party. The petitioner is alleged to have caused injury on the head of the complainant with the iron rod.

There is a cross version against the complainant party also.

There appears to be no denial to the fact that both the parties have suffered injuries. It is yet not known as to who were the aggressors. The petitioner was arrested on 25.11.2006 and he is in custody since then.

The charges have already been framed and the case is now fixed for prosecution evidence. The petitioner's co-accused have already

been released on bail.

It is also contended on behalf of the petitioner that *prima facie* no offence under Section 307 IPC is made out and that the aforesaid provision is not attracted on the basis of a medico legal report issued by a private hospital without obtaining any opinion from the Government hospital.

After hearing learned counsel for the parties and without expressing any views on merits of the case lest it should prejudice either of them, however, keeping in view the fact that it is a cross-version case and also keeping in view the total period spent by the petitioner in custody, this petition is allowed and he is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Hisar.

July 10, 2007 **(SURYA KANT)**
poonam **JUDGE**